

Introduced by: Councilmember Elrich

First Reading: January 12, 2004

Second Reading: January 20, 2004

Effective Date: January 21, 2004

Drafted by:

Kenneth Sigman

Assistant City Attorney

ORDINANCE No. 2004-02

(Revision of the Ethics Chapter in accordance with the Suggestions of the General Counsel of the State Ethics Commission)

WHEREAS, the City revised its law regarding public ethics, effective November 30, 2003;
and

WHEREAS, Sections 15-803 through 15-806 of the State Government Article of the
Annotated Code of Maryland require that the City's ethics law be similar to the ethics law of the
State of Maryland; and

WHEREAS, the City is required to submit its ethics law to the State Ethics Commission for
approval; and

WHEREAS, the State Ethics Commission shall consider the City's ethics law on January
22, 2004; and

WHEREAS, the General Counsel for the Ethics Commission has recommended the
following changes to ensure that the City's ethics law is similar to the ethics law of the State of
Maryland;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
TAKOMA PARK, MARYLAND**, that Chapter 5, Ethics, of the Takoma Park Code is amended
as follows:

TAKOMA PARK CODE

CHAPTER 5. ETHICS

§5-103 Definitions.

In this Chapter, the following words have the meanings indicated:

* * *

(h) *Gift* means the transfer of anything of economic value, regardless of the form, without adequate and lawful consideration. "Gift" does not include the solicitation, acceptance, receipt or regulation of political campaign contributions regulated in accordance with the provisions of Md. Code Ann., Elec. Law Art., § 13-225 et seq. ~~Article 33, § 26-1 et seq.~~, or any other provision of state or local law regulating the conduct of elections or the receipt of political campaign contributions.

§5-106 Prohibited conduct and interests.

* * *

(e) Solicitation or acceptance of gifts.

* * *

(3) *Permissible gifts.* Subsection (e)(2) does not apply to gifts meeting the criteria set forth in this paragraphs A through H of this subsection, unless any such gift might tend to impair the impartiality and the independence of judgment of any reasonable and prudent covered person receiving it, or, if of significant value, would give the appearance of doing so or a reasonable and prudent covered person should have reason to believe that it is designed to do so. Permissible gifts, which are subject to the gift reporting requirements of Section 5-107(a), include the following:

* * *

(E) Gifts of tickets or free admission extended by the sponsor of the event to an elected official ~~a covered person and one guest~~ to attend a ~~sporting event~~ or charitable, cultural or political event, if the purpose of this gift or admission is a courtesy extended to the office.

Adopted this 20th day of January 2004, by roll-call vote as follows:

Aye: Mayor Porter, Austin-Lane, Barry, Elrich, Mizeur, Seamens, Williams
Nay: None
Absent: None
Abstain: None

EXPLANATORY NOTE

1. Additions to Chapter 5 are shown by underlining.
2. Deletions from Chapter 5 are shown by ~~strikeout~~.